



TOWN CLERK

**TOWN OF ACTON**  
472 MAIN STREET  
ACTON, MASSACHUSETTS, 01720  
TELEPHONE (978) 929-6620  
FAX (978) 929-6340  
clerk@acton-ma.gov

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November 20, 2017

Middlesex, ss.

I have served the warrant for the Special Town Meeting, to be held December 4, 2017 by posting an attested copy of the same at six (6) of the public places of said town fourteen (14) days before the time of holding such meeting as directed.

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Constable

Warrants posted in six (6) public places as follows:

Nagog Woods Post Office, Town Hall, West Acton Post Office, Center Post Office, Center Library and Public Safety Facility;

As well as the Town Web Page.

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Constable

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# *Town of Acton*

## *Special Town Meeting Warrant*



*Monday, December 4, 2017*

**The Special Town Meeting will convene at 7:00 PM in the  
Acton-Boxborough Regional High School Auditorium  
36 Charter Road**

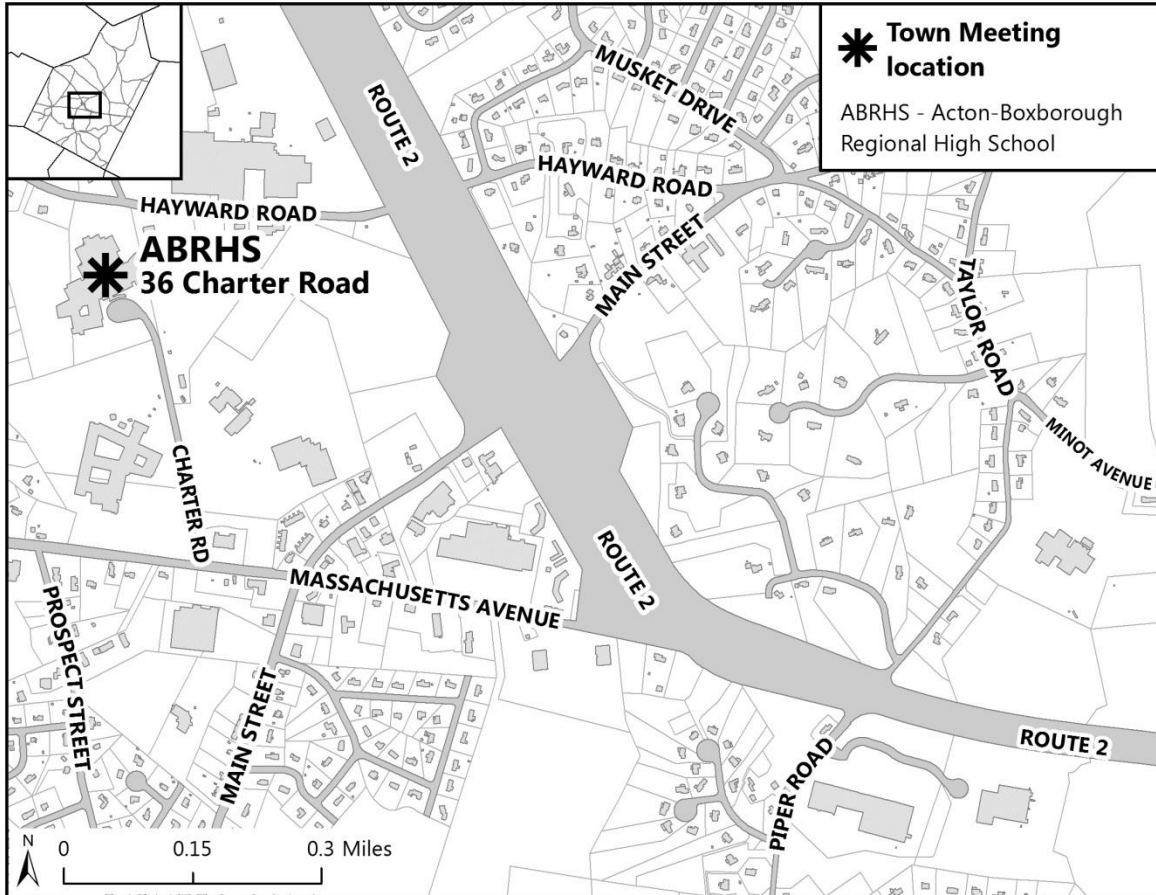
# Notice of Special Town Meeting

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Monday, December 4, 2017

7:00 PM

Acton-Boxborough Regional High School Auditorium  
36 Charter Road



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\* Article is on Consent Calendar

# Article submitted by Citizens' Petition

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## *Free Transportation to Town Meeting*

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***Don't miss Town Meeting because you can't get a ride!***



The Town of Acton is offering **free** door-to-door van rides to Town Meeting. The Meeting starts at 7:00 PM and generally concludes by 10:30 PM.

The MinuteVan will have a driver covering the hours from 6:15 PM – 10:30 PM for the first night of Town Meeting. The Dial-A-Ride dispatch service will be open until 4:00 PM on the day of the meeting. Rides can be booked with the MinuteVan dispatcher at (978) 844-6809 or on-line at [www.minutevan.net](http://www.minutevan.net). The service will run even if there are no reservations, as we will take walk-ons from Town Meeting that want a trip home. There will be no charge to passengers for any of these Town Meeting trips. When the van is not in use between 6:15 PM to 10:30 PM, it will be parked in the Acton-Boxborough High School parking lot where Town Meeting is being held. The driver will be waiting in the van for anyone that would like a ride home.

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MinuteVan Dial-A-Ride is a unique transportation service offered by the Town of Acton. It is available to all residents Monday through Friday (except holidays) for rides around town and to nearby locations. Hours of operation are 8:00 AM – 11:00 AM and 1:15 PM – 6:15 PM. The Dispatcher is available Monday through Friday from 8:30 AM – 4:00 PM by calling (978) 844-6809. Trips within Acton cost \$2/trip, \$1/trip for seniors and disabled. Out-of-town trips (within 3.5 mile radius of Acton Town Hall) are \$4/trip, \$1.50/trip for seniors/disabled. Locations served include: West Concord Center, Emerson Hospital, Maynard Center, Skating Rink, the Food Pantry in Boxborough, and more. Policies may be reviewed online at [www.minutevan.net](http://www.minutevan.net).

*Need a Sitter for Town Meeting? Kid Friendly  
Movie Night*

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Would you like to go to the Special Town Meeting but cannot find a sitter?

Drop your school-aged kids off and let them enjoy a  
**KID FRIENDLY MOVIE NIGHT**  
while you attend the Special Town Meeting

**Monday (12/4)**

**6:30 pm until 9:00 pm**

**Chorus Room (106N) at the AB Regional High School**

# Cars 3

- ♦ Parents need to RSVP to Alycen Nigro (alyheels@yahoo.com) by **Friday (12/1) at noon** indicating the spots needed.
- ♦ A release waiver will be required for each child. This waiver will be emailed to you when you reserve your spot and should be presented to the chaperones upon drop off.
- ♦ Drop off starts at 6:30 pm. Pick up is promptly at 9 PM.
- ♦ The children will be chaperoned by adult volunteers (all CORI checked) including school district teachers and parents. In addition, high school volunteers will be on hand to help out.
- ♦ Coloring activities will also be available for the children's use in the room.
- ♦ Food will not be served but children are welcome to bring a water bottle.
- ♦ Blankets are encouraged for comfy movie watching!



For questions or to reserve a spot, contact: Alycen Nigro (alyheels@yahoo.com)

This event is sponsored by the Acton Boxborough Education Association (ABEA)  
and the Acton Elementary School Parent Teacher Organizations (PTOs).

## *Notes from the Town Clerk's Office*

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The Town Clerk's Office welcomes requests by the Acton community for special provisions in order for citizens to attend Town Meeting. Services provided include wheelchairs, a wheelchair lift, special check-in and seating for the mobility-impaired.

In order to accommodate as many citizens as possible, we ask that all requests be received by our office no later than Monday, November 27, 2017.

Parties needing support may contact the Clerk's Office at [clerk@acton-ma.gov](mailto:clerk@acton-ma.gov) or (978) 929-6620.

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Any person, committee or action group that would like to reserve a display table at Town Meeting needs to email a copy of their handout material, along with the request, to the Town Clerk in order to receive approval by the Moderator.

Requests need to be received by the Clerk's Office no later than Wednesday, November 29, 2017 to ensure coordination with Acton-Boxborough Regional High School staff to provide the requested number of tables.

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We would like to thank the Acton Water District and Green Acton for providing reusable water bottles for our staff, Board of Selectmen and Finance Committee. As a Green Community, we are happy to participate in this endeavor!

# *Board of Selectmen's Message*

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This Town Meeting Warrant is your invitation to participate in the legislative portion of Acton's Town government. Acton citizens have a cherished tradition of governing themselves by means of an Open Town Meeting. We encourage all Acton residents to attend. All registered voters are urged to participate in the debate and vote on the Articles presented. Other residents, even if they are not registered voters, are invited to attend and observe, or to view the proceedings on our government cable television channels, Comcast channel 99 and Verizon channel 41.

## **Town Meeting Dates, Times and Location**

The Special Town Meeting will begin Monday, December 4 at 7:00 PM in the Acton-Boxborough Regional High School Auditorium. Come early to get checked in by the Town Clerk's staff and to obtain additional information. Check-in will take place in the study area adjacent to the main Auditorium entrance.

## **Town Meeting Warrant and Procedures**

The Town Meeting Warrant is the agenda for the meeting. It is drawn up by the Selectmen from various proposals made by the Selectmen, the School Committee, other Boards, staff and citizens. The Selectmen determine the order that the Articles appear in the Warrant. The Articles will be considered in the order in which they appear, unless the Moderator, or the Meeting itself, changes that order. Each article is intended to give fair notice of the topic to be discussed and voted upon, thus any motion made at Town Meeting under one of these articles must be found by the Moderator to be within the scope of the printed article. At Town Meeting, the motion made under each article will describe the specific proposed action. The wording of the motion, and any amendments that might be offered to the main motion, may differ from the exact wording of the article, but as indicated above must be within the scope of the article. Accordingly, it is suggested that each attendee listen closely to the reading of the motion, and any amendments made before voting.

Your attention is invited to the Warrant section on Town Meeting Parliamentary Procedure, serving as a basic guide to Town Meeting process written by the Town Moderator. The best debate is conducted by those who have informed themselves concerning the issues. Informed debate is delayed when speakers rise only to ask basic questions that could be individually addressed. To assist speakers to inform themselves in advance, and to avoid delays during the meeting engendered by persons seeking basic information, the Board of Selectmen strongly encourages and solicits questions in advance concerning any of the proposed Articles. Information regarding the Articles may be obtained from any of the contacts listed after each Article summary, or a general inquiry may be made to the Town Manager's Office at (978) 929-6611 or [manager@acton-ma.gov](mailto:manager@acton-ma.gov) for an appropriate referral.

Janet K. Adachi, Chair  
Katie Green, Vice-Chair  
Joan Gardner, Clerk  
Peter J. Berry  
Chingsung Chang

**Board of Selectmen**



# *Consent Calendar*

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In an effort to streamline Town Meeting, the Board of Selectmen and Town Moderator use the concept of a Consent Calendar. The use of Consent speeds the passage of articles which the Selectmen feel should generate no controversy and can be properly voted without debate. Its purpose is to allow motions under these articles to be acted upon as units and to be passed without debate.

The Consent Calendar will be taken up when the first article “on Consent” is reached (for example, if Article 6 is the first Consent article in the Warrant, there will be a motion after Article 5 to take up the items on the Consent Calendar). At this time, the Moderator will call out the article numbers one-by-one.

**Articles on Consent are distinguished from other articles by the asterisk (\*) notation following each article number in the Article Index, as well as in the title of each article.**

If **two or more** voters object to any particular Article being included in the Consent Calendar, they should say the word “**hold**” in a loud voice when the number is called. The Article will then be removed from the Consent Calendar, to be debated and voted in the usual manner, **immediately following** the vote on the Consent motion.

After the calling of the individual items in the Consent Calendar, the Moderator will ask that all remaining articles be passed **as a unit** by the voters.

Please carefully review the articles and motions. Summaries are also included with each article printed in this Warrant. Motions for consent articles are included under the text of each article. Motions will be available as a separate handout at Town Meeting.

If you have any questions about the Consent articles, motions or procedure, please feel free to contact the official listed in the summary of the article or to contact the Town Manager’s Office, by e-mail at **manager@acton-ma.gov** or by telephone at (978) 929-6611, before Town Meeting.

Peter K. Ashton  
Town Moderator

*“Brevity is a great charm of eloquence.”*  
- Cicero

*“The most valuable of all talents is that of never using two words when one will do.”*  
- Thomas Jefferson

# *Special Town Meeting Warrant*

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One or more of the following symbols may appear following an Article number:

*	This article is on the Consent Calendar
#	This article was submitted by Citizens' Petition

One or more of the following recommendations may appear at the end of an Article's summary:

<b>Recommended</b>	This board voted to <u>recommend</u> passage by Town Meeting.
<b>Not Recommended</b>	This board voted to <u>not recommend</u> passage by Town Meeting.
<b>Deferred</b>	A recommendation will be made by this board when the Article is considered at Town Meeting.
<b>No Recommendation</b>	This board voted to make no specific recommendation to Town Meeting.



*Town of Acton  
Commonwealth of Massachusetts, ss.*

To either of the Constables of the Town of Acton, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of said Town of Acton, qualified to vote at Town Meetings for the transaction of Town affairs, to meet at the Acton-Boxborough Regional High School Auditorium, 36 Charter Road in said Acton on **Monday, December 4, 2017 at 7:00 PM**, then and there to act on the following articles:

# Articles

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## **Article 1                      Acton-Boxborough Regional School District Building Project: (Majority vote)              Feasibility Study, Preliminary Design and Owner's Project Manager Funds**

To see if the Town will approve the appropriation of \$1,300,000 from Certified Excess and Deficiency funds of the Acton-Boxborough Regional School District, for the purpose of paying the costs of a feasibility study and schematic design relating to the C. T. Douglas Elementary School Statement of Interest, including all costs incidental or related thereto (the “Study”), and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the District’s School Building Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and MSBA.

### **Motion**

Move that the Town hereby approves the appropriation of \$1,300,000 from Certified Excess and Deficiency funds of the Acton-Boxborough Regional School District for the purpose of paying the costs of a feasibility study and schematic design relating to the C. T. Douglas Elementary School Statement of Interest, including the payment of all costs incidental or related thereto (the “Study”), and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the District’s School Building Committee; that the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that the District may receive from the MSBA for the Study shall be as set forth the Feasibility Study Agreement that may be executed between the District and MSBA.

### **Summary**

On February 15, 2017, the Massachusetts School Building Authority (MSBA) approved Acton-Boxborough Regional School District into the “Eligibility Period” for a possible elementary school building project. The proposed plan is to build a twin elementary school to replace the Douglas and Gates elementary schools, which are 50+ years old and have never been renovated. Space in the new twin school will also be built for the District preschool, which is currently located in the District’s 60-year old Administration Building.

The preferred location of the new twin school would be on the Gates property with Conant as a possible alternative site. It will be built next to the existing school which will continue operating during construction. If it is built on the Gates site, Douglas and Gates will be torn down to make room for parking and playgrounds. The Douglas and Gates property will be treated as a single campus with a walkway between them.

This article asks voters to approve funds to conduct a Feasibility Study for the new school. The cost for the study will be \$1.3 million. If approved, the state MSBA will reimburse 45.3%, or \$590,000. If the Town Meetings approve the design funds, the remaining \$710,000 will be paid through the use of the Regional School District reserve fund. This will not increase current taxes or assessments to the two towns.

## Background

The district underwent a two-year Master Planning process that identified capital needs for all eight schools. Five of the schools have been renovated or built new in the last 15-20 years. Gates, Conant, and Douglas are still housed in the original facilities. These three buildings were determined to be the schools most in need of repair and the most overcrowded. The District submitted a request to the MSBA, and was one of only 17 districts in the state approved for reimbursement out of 87 that applied. The MSBA agreed that the schools are significantly overcrowded and that the facilities must be updated.

While enrollment for the district has decreased by 400 students from the peak in 2010, enrollment has started to increase again at the lower grades, and it is expected to continue to increase in the next few years. Examples of overcrowding include three special education programs sharing a temporary modular classroom which can only be accessed through the cafeteria and student services (English language learning, occupational therapy, physical therapy, reading support, etc) being provided in hallways and former storage areas or closets. The needs of our students have changed in ways that require more space. We have 280 English learners, 10% of our students are economically disadvantaged, and we have added in-district special education programs to serve our most vulnerable students.

The feasibility study is expected to last 18 months. The result will be a design for the twin school and a cost estimate to bring to the two towns for approval. Current cost estimates for the complete project are between \$100 million and \$120 million. The state reimbursement is estimated at 40% - 45%. Based on our Regional Agreement, the Town of Acton would be responsible for \$45 million - \$60 million and the Town of Boxborough would be responsible for \$10 million - \$12 million. Without approval, the two towns would be left to fully fund repairs and renovations over the next several years.

### **Recommendation of the Acton-Boxborough Regional School Committee**

The Acton-Boxborough Regional School Committee (the “District”) unanimously approved appropriating the amount of \$1,300,000 for the purpose of a feasibility study and schematic design relating to the C. T. Douglas Elementary School Statement of Interest, including all costs incidental or related thereto (the “Study”), said amount to be expended at the direction of the District’s School Building Committee. To meet this appropriation, the District is authorized to utilize Certified Excess and Deficiency funds pursuant to Massachusetts General Laws and the Agreement for a Regional School District for the Towns of Acton and Boxborough, Massachusetts (Revised July 1, 2014). The District acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District; provided further that the amount of the use of Excess and Deficiency Funds pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and MSBA.

Direct Inquiries to: William McAlduff, Superintendent: [wmcalduff@abschools.org/](mailto:wmcalduff@abschools.org/) (978) 264-4700

Selectman assigned: Katie Green: [bos@acton-ma.gov](mailto:bos@acton-ma.gov) / (978) 929-6611

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>	<b><u>School Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>	<b>Recommended</b>

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**Article 2                      Community Preservation Program – Appropriations from Open Space**  
**(Two-thirds vote)        Set-Aside and Related Actions – 161 Newtown Road**

To see if the Town will vote to:

(a) authorize the Conservation Commission to (i) acquire for open space and conservation purposes under M.G.L. c. 44B (the Community Preservation Act) by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Conservation Commission may determine, (ii) accept a deed of fee simple interest in a portion of the real property located at 161 Newtown Road, and depicted on Assessors' Map D3 as Parcel 11, said portion consisting of Lots 1 & 3 as shown on Middlesex South Registry of Deeds Plan 125 of 2017 and consisting of approximately 10.9 ± acres, as such area may be adjusted, (iii) to accept a non-exclusive perpetual easement for access across a portion of the land shown as Lot 2 on said plan;

(b) appropriate the purchase price and all necessary and appropriate transaction costs for said purchase including, without limitation, costs for due diligence, legal services, bonding, conservation restriction and its monitoring and enforcement, and other transaction, acquisition and related costs;

(c) transfer, appropriate and expend, pursuant to the favorable recommendation of the Community Preservation Committee from the existing Open Space Set Aside portion of the Community Preservation Fund balance an amount not to exceed \$770,000 for the acquisition, consistent with this article, of the real property described in paragraph (a) of this article;

(d) raise, appropriate, transfer, or appropriate from available funds an additional \$30,000 for the acquisition, consistent with this article, of the real property described in paragraph (a) of this article;

(e) raise, appropriate, transfer from available funds or accept gifts and grants of such additional funds as are necessary to accomplish the purposes of this article, consistent with paragraph (b) of this article;

(f) authorize the Selectmen and the Conservation Commission to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, or the United States, under the Self-Help Act (M.G.L. Chapter 132A § 11) and/or any other state or federal programs including those in aid of conservation land acquisition, and to transfer, appropriate and expend any said amount so received consistent with this article;

(g) authorize and direct the Conservation Commission to impose a perpetual Conservation Restriction on the open space so acquired, in accordance with M.G.L. c. 44B, § 12(a) and M.G.L. c. 184, §§ 31-33, on such terms and conditions as the Selectmen may determine (the "Conservation Land"); and

(h) authorize the Selectmen, the Town Manager, the Treasurer, and the Conservation Commission, as appropriate, to enter into all agreements and execute any and all instruments as may be necessary to effect this article;

or take any other action relative thereto.

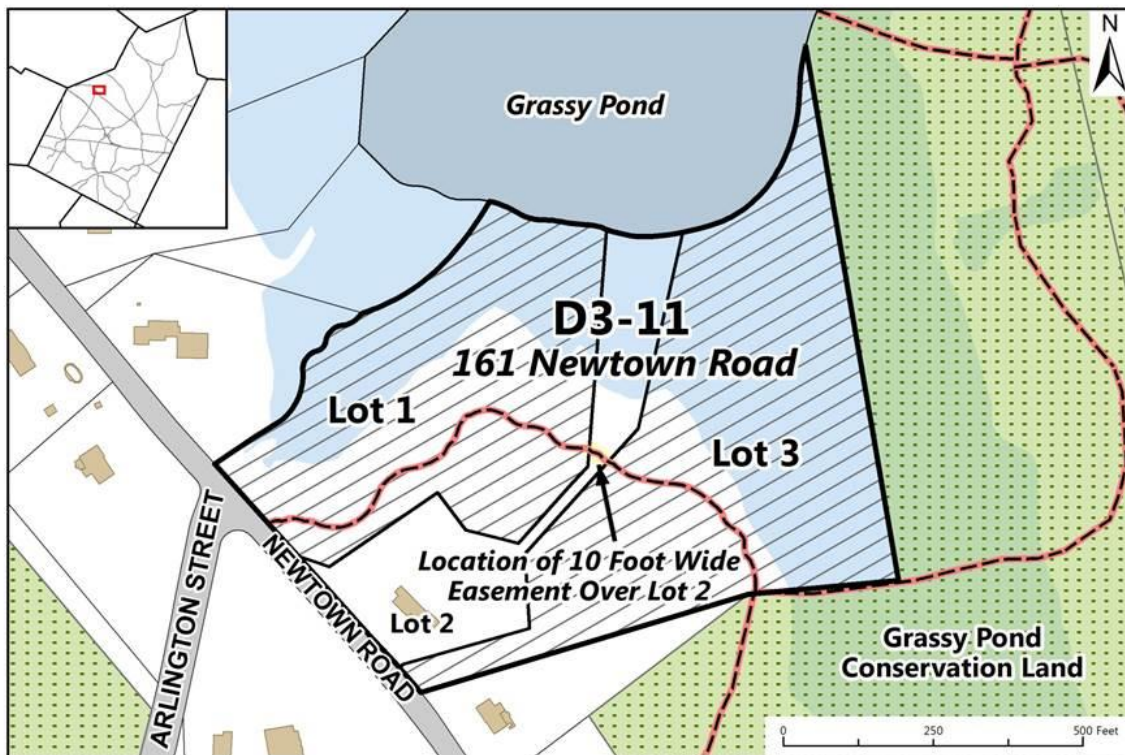
## Motion

Move that

- (1) the Town authorize all actions set forth in the article,
- (2) the Town appropriate \$800,000 to pay costs of the acquisition of the real property consisting of approximately 10.9 acres, located as 161 Newtown Road, and depicted on Assessors' Map D3 as Parcel 11, consisting of Lots 1 & 3 as shown on Middlesex South Registry of Deeds Plan 125 of 2017 as set forth in the article, including the payment of all costs incidental and related thereto;
- (3) to meet this appropriation,
  - (a) \$770,000 shall be transferred from the Open Space Set-Aside portion of the Community Preservation Fund balance; and
  - (b) \$30,000 shall be transferred from free cash;
- and (4) the Town authorize the Selectmen, the Town Manager, the Treasurer, and the Conservation Commission to take all actions within their respective jurisdictions specified in or consistent with the article.

## Summary

This article would appropriate \$800,000 for the acquisition of 10.9 ± acres of land located at 161 Newtown Road (Lots 1 & 3) for open space and conservation purposes and authorize the Board of Selectmen to execute the land purchase. The Community Preservation Committee recommends that \$770,000 of the total appropriation amount be appropriated from the Town's Community Preservation Open Space Set Aside fund. This parcel ranks high on the prioritized parcel list of the Town of Acton Open Space and Recreation Plan. The property has a mature pine forest, harbors critical wetlands resources, and wildlife habitat. It abuts and protects Grassy Pond, which is a glacial "kettle hole" with a diverse bog ecosystem and bordering red maple swamp. This property also connects to 334 acres of abutting conservation land. This recommended acquisition is conditioned on the Town imposing a perpetual Conservation Restriction on the land and placing it under the care and protection of the Town of Acton Conservation Commission. It does not include Lot 2 with the existing house and about 2.3 acres that will remain with the house.



Direct Inquiries to: Tom Tidman, Natural Resources Director: nr@acton-ma.gov / (978) 929-6634

Selectman assigned: Peter J. Berry: bos@acton-ma.gov / (978) 929-6611

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>	<b><u>Community Preservation Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>	<b>Recommended</b>

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**Article 3**                      **Amend Zoning Map – Brookside Shops (145 Great Road)**  
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Map Number 1, by changing the zoning district designation for Town Atlas parcel F4-37 (145 to 149 Great Road) from Residence 8 (R-8) to Limited Business (LB), or take any other action relative thereto.

**Motion**

Move that the Town adopt the Zoning Bylaw map amendments as set forth in the Article.

**Summary**

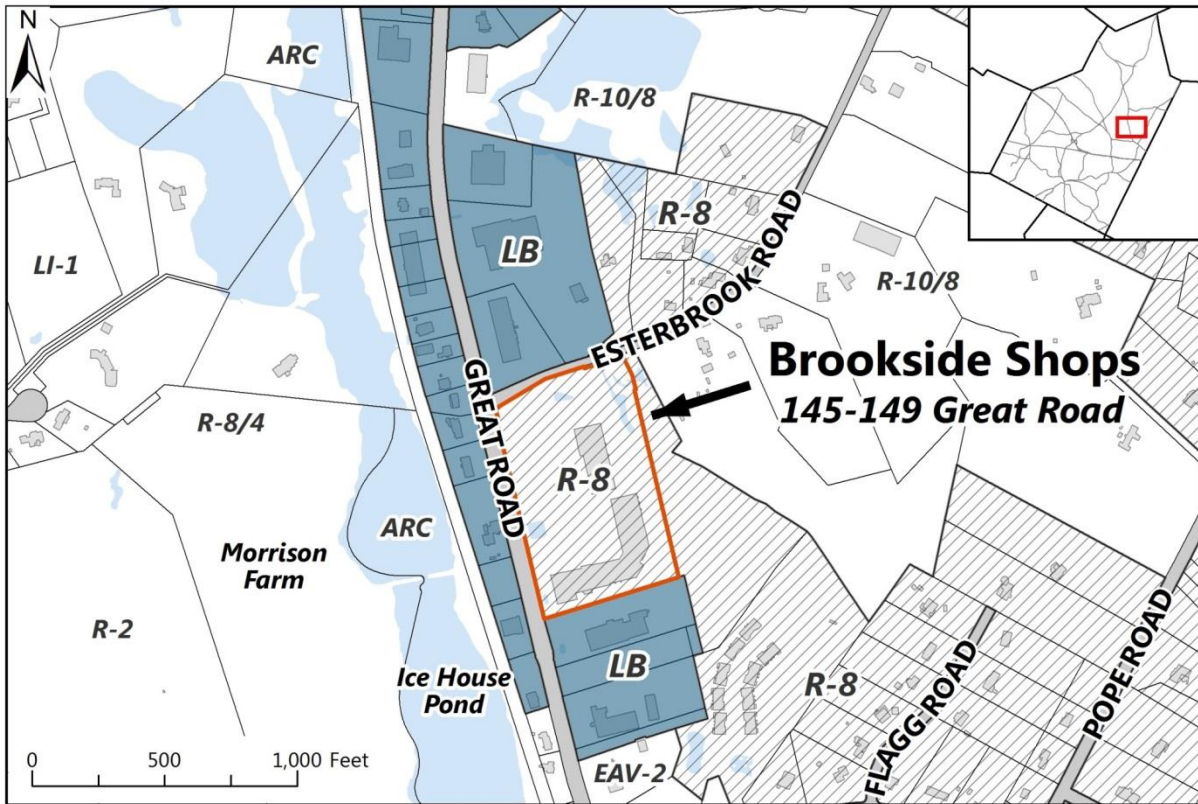
145-149 Great Road is the site of Brookside Shops, which includes Staples, Trader Joe's, Talbots, among other businesses. Originally zoned for General Business, the site was rezoned to single-family residential (R-8) in 1990 as part of a comprehensive zoning plan for Great Road. At that time, the site was an active farm with a farmstead on it. The then-owners of the site objected to the rezoning of their property and availed themselves of statutory grandfathering protection devices to preserve the pre-1990 General Business zoning the site. Brookside Shops was built on the site about thirteen years ago under these grandfathering protections and in conformance with pre-1990 General Business District zoning requirements.

Today, these grandfathering protections have expired, and the site is subject to R-8 zoning regulations. Therefore, the site is now severely restricted as the established commercial uses are non-conforming with the residential zone and the site is subject to significant restrictions as a result. This makes it difficult, if not impossible, for the existing businesses to change their establishments, or to change business establishments within the plaza, without involvement by the Board of Appeals for special permits or variances.

For instance, under the current residential zoning, a restaurant or coffee shop could not be located at Brookside Shops and there is no relief through variance, special permit or otherwise to allow them. The property presently has two vacant stores and the owner is aware of possible additional closures in the coming months. On-line retailers exert ever growing pressures on brick and mortar stores. In a highly competitive regional retail market, Acton is disadvantaged relative to communities along the Route I-495 belt. Retail properties that cannot be nimble and flexible to ensure high occupancy rates with a diversity of quality tenants and uses can unexpectedly experience high vacancy rates, resulting in a potential for blight.

This article intends to acknowledge the commercial nature of the property that now exists and to ensure its long-term health and viability as a significant contributor to Acton's commercial tax base. The General Business District no longer exists in Acton. The proposed LB zoning is consistent with other business properties along Great Road. Since this article was last considered by Town Meeting, all outstanding permit matters have been brought into compliance, efforts otherwise have been made to address neighbor concerns and new ownership of the property make this matter ripe for reconsideration.





Direct inquiries to: Roland Bartl, AICP, Planning Director: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 929-6631

Selectman assigned: Joan Gardner: [bos@acton-ma.gov](mailto:bos@acton-ma.gov) / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
	Recommended	Recommended	Recommended



**Article 4**                      **Amend Zoning Bylaw – Shopping Center Parking**  
(Two-thirds vote)

To see if the Town will vote to amend Section 6.3 (Minimum Parking Space Requirements by USE), of the Zoning Bylaw by deleting subsection 6.3.1.7 and replacing it with a new subsection 6.3.1.7 as follows, or take any other action relative thereto:

6.3.1.7	Bank; Credit Union; Convenience Store; Shopping Center with two or more Restaurants, Retail Stores or Services, or any combination thereof	Three spaces per 1,000 s.f. of NET FLOOR AREA.
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*[Subsection 6.3.1.7 currently reads:*

6.3.1.7	<i>Bank; Credit Union; Convenience Store; Shopping Center with two or more Retail Stores</i>	<i>Three spaces per 1000 s.f. of NET FLOOR AREA.</i>
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**Motion**

Move that the Town adopt the Zoning Bylaw amendment as set forth in the Article.

**Summary**

Section 6.3.1.7 currently describes the minimum parking space requirements for, among other uses, Shopping Center with two or more Retail Stores. This article adjusts the requirement to include shopping centers that have less than two retail stores. The mix of uses in shopping centers is changing due to changes in market conditions and consumer shopping behavior. Although retail stores are still located in shopping centers, Services and Restaurants are becoming more prevalent. This proposed zoning change reflects market trends by including “Restaurants” and “Services” in the Shopping Center parking description. With this change the regulation would apply for example, to shopping centers having at least a retail store and a restaurant, at least a retail store and a bank, at least two retail stores, or at least two restaurants.

Direct inquiries to:     Roland Bartl, AICP, Planning Director: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 929-6631

Selectman assigned:   Joan Gardner: [bos@acton-ma.gov](mailto:bos@acton-ma.gov) / (978) 929-6611

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>	<b><u>Planning Board</u></b>
	<b>Recommended</b>	<b>Recommended</b>	<b>Recommended</b>

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**Article 5 Amend Zoning Bylaw – Marijuana Establishment Temporary Moratorium**  
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaws by adding a new Section 3.12, “Marijuana Establishment Temporary Moratorium,” or take any other action relative thereto:

**3.12 Marijuana Establishment Temporary Moratorium**

**3.12.1 Definition –** MARIJUANA ESTABLISHMENT shall mean a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business; provided, however, that a MARIJUANA ESTABLISHMENT shall not include a medical marijuana treatment center defined by and registered under Chapter 369 of the Acts of 2012.

**3.12.2 Purposes –** By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the “Act”), regulating the control and production and distribution of marijuana under a system of licenses and regulations. Currently under the Zoning Bylaw, a Marijuana Retailer or Establishment is not a permitted use in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Marijuana Retail or Distribution centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Retail sales and distribution and other uses related to the regulation of marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retail and Distribution so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

**3.12.3 Temporary Moratorium –** Consistent with the purposes set forth in Section 3.12.2 and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of any TRACT OF LAND, LOT, BUILDING, or STRUCTURE for a MARIJUANA ESTABLISHMENT. The temporary moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding MARIJUANA ESTABLISHMENTS and related uses to be promulgated pursuant to General Laws Chapter 94G, and consider adopting new Zoning Bylaws to address the impact and operation of MARIJUANA ESTABLISHMENTS and related uses.

**Motion**

Move that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**Summary**

By vote at the State election on November 8, 2016, voters in the Commonwealth approved the retail sale of recreational marijuana subject to certain licenses and regulations. Voting yes on this article would impose a temporary moratorium on the sale of recreational marijuana in Acton until December 31, 2018. Until then no recreational marijuana retailers could locate in Acton.

Direct Inquiries to: Steven L. Ledoux, Town Manager: [manager@acton-ma.gov](mailto:manager@acton-ma.gov) / (978) 929-6611  
Selectman assigned: Janet K. Adachi: [bos@acton-ma.gov](mailto:bos@acton-ma.gov) / (978) 929-6611

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Recommended</b>	<b><u>Planning Board</u></b> <b>Recommended</b>
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**Article 6 # Non-Binding Resolution – Ballot Question on Recreational Marijuana Establishment**  
(Majority vote)

Resolved that Town Meeting requests that the Board of Selectmen vote to place on the ballot at the next regular or special election held by the Town the following ballot question to ban the operation of any recreational marijuana establishment in the Town of Acton:

**BALLOT QUESTION:**

Shall the Town of Acton adopt the following general by-law and zoning by-law amendments?

Yes: \_\_\_\_ or No: \_\_\_\_

**General Bylaw:**

*Add the following provision E59 to the Town's General Bylaws, General Public Regulations, and the following provision E45 to existing list of Chapters and Section in General Bylaw E45. Non-Criminal Disposition:*

**E59. Marijuana Establishment**

1. **Prohibition:** The operation of any marijuana establishment, as defined in M.G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, within the Town of Acton is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed or registered under Chapter 369 of the Acts of 2012.
2. **Penalty:** The penalty for violation of this Bylaw shall be three hundred dollars (\$300.00) for each offense. Each calendar day upon which a prohibited marijuana establishment operates in violation of this Bylaw shall constitute a separate offense.

**E45. Non-Criminal Disposition**

Chapter E - Section E59 - Marijuana Establishment - enforcing Persons – Regular Police  
Officer - Fine \$300.00, each offense

**Zoning Bylaw:**

*Add the following new Section 3.7.1, after the Table of Prohibited Uses in Section 3.7:*

- 3.7.1 **Marijuana Establishment:** The operation of any marijuana establishment, as defined in M.G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, within the Town of Acton is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed or registered under Chapter 369 of the Acts of 2012.

**Motion**

Move that the Town adopt the non-binding resolution as set forth in the Article.

**Summary**

This article is a citizens' petition for a non-binding resolution to request that the Board of Selectmen place a ballot question on the next regular or special election to permanently ban the operation of any recreational marijuana establishment in Acton. Approval of the ballot question will allow the Town to adopt general by-law and zoning by-law amendments to prohibit any marijuana establishment other than one for medical purposes licensed or registered under Chapter 369 of the Acts of 2012.

Direct inquiries to: actoncares978@gmail.com

Selectman assigned: Janet K. Adachi: bos@acton-ma.gov / (978) 929-6611

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Not Recommended</b>	<b>Not Recommended</b>

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**Article 7 \*     Amend General Bylaws – Department Revolving Funds**  
(Majority vote)

To see if the Town will vote to amend the General Bylaws, pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E½, Revolving Funds, as most recently amended by Section 86 of Chapter 218 of the Acts of 2016, the Municipal Modernization Act, by inserting the following section entitled “Chapter Y – Department Revolving Funds,” or take any other action relative thereto.

**CHAPTER Y**  
**Department Revolving Funds**

1. Purpose. This bylaw establishes and authorizes revolving funds for use by specified Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws Chapter 44, Section 53E½.
2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:
  - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
  - B. No liability shall be incurred in excess of the available balance of the fund.
  - C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the General Fund.
4. Procedures and Reports. Except as provided in Massachusetts General Laws Chapter 44, Section 53E½ and this bylaw, the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds. Each of the following individual revolving funds shall be authorized and list, where applicable:

- A. Each revolving fund authorized for use by a town department, board, committee, agency or officer;
- B. The department or agency head, board, committee or officer authorized to spend from each fund;
- C. The fees, charges and other monies charged and received by the department, board, committee; agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
- D. The expenses of the program or activity for which each fund may be used; and
- E. The fiscal years each fund shall operate under this bylaw.

<b><u>A</u></b> <b>Revolving Fund</b>	<b><u>B</u></b> <b>Entity Authorized to Spend</b>	<b><u>C</u></b> <b>Receipts Credited to Fund</b>	<b><u>D</u></b> <b>Expenses Payable from Fund</b>	<b><u>E</u></b> <b>Fiscal Years</b>
Historic District Commission	Historic District Commission	Receipts from application fees	Costs to prepare and distribute rulings and guidance on historical issues and incidental expenses	FY 2019, et seq.
Building Inspector	Building Department	Receipts from permit, administrative and archiving fees for gas, electrical and plumbing permits	Costs for contractual inspectors, archiving services and incidental expenses	FY 2019, et seq.
Sealer of Weights and Measures	Health Department	Receipts from inspection fees and fines for scales, weights and measuring devices	Costs for supplies, equipment, services and incidental expenses	FY 2019, et seq.
Hazardous Materials	Health Department	Receipts from permits and fines to store hazardous materials and underground storage tanks	Costs for supplies, equipment, inspectors and incidental expenses	FY 2019, et seq.
Food Service	Health Department	Receipts from inspection fees and fines related to food service	Costs for supplies, equipment, inspectors and incidental expenses	FY 2019, et seq.
Stormwater	Land Use Department	Receipts from permit and inspection fees and fines related to stormwater management	Costs for compliance, inspections, subcontractors and incidental expenses	FY 2019, et seq.
CrossTown Connect	Transportation Department	Receipts from public and private partners for transportation services	Costs for dispatching services and incidental expenses	FY 2019, et seq.
Fire Alarm Network	Fire Department	Receipts from fire alarm box fees	Costs for maintaining the fire alarm network and incidental expenses	FY 2019, et seq.

### **Motion**

Move that the Town adopt the General Bylaws amendment as set forth in the Article.

### **Summary**

The Municipal Modernization Act rewrote General Laws Chapter 44, Section 53 E½, with respect to the procedures for establishing, authorizing, and setting and supplementing limits on revolving funds. The amendments provide more flexibility by eliminating the departmental per fund and total fund caps, broadening the types of departmental receipts which funds can be established, and requiring revolving funds to be established by bylaw.

This article simply officially establishes these same revolving funds which have been funds in past years. As in the past, fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of operating each program. If income exceeds costs, the excess is retained for use of the specific program in any subsequent period. In any fiscal year, the limit on the amount that may be spent from a revolving fund may be increased with the approval of the Town's Board of Selectmen and Finance Committee. Upon termination of a revolving fund, the balance in the fund at the end of that fiscal year shall revert to surplus revenue at the close of the fiscal year. Annual spending caps will still be voted at Town Meeting. This bylaw will bring the Town into compliance with state law to continue our revolving fund operations in Fiscal Year 2019 and beyond.

Direct Inquiries to: Steven L. Ledoux, Town Manager: [manager@acton-ma.gov](mailto:manager@acton-ma.gov) / (978) 929-6611

Selectman assigned: Chingsung Chang: [bos@acton-ma.gov](mailto:bos@acton-ma.gov) / (978) 929-6611

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>

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**Article 8 \* Amend General Bylaws – Animal Control Officer Enforcement Authority**  
(Majority vote)

To see if the Town will vote to amend the Animal Control Bylaw in Chapter E of the General Bylaws to add the following new section E26, or take any other action relative thereto.

**E26.** The Town of Acton Animal Control Officer, or any other Town official acting as his or her deputy or designee, is authorized to enforce this Bylaw and the Commonwealth's animal control laws found in Massachusetts General Laws Chapter 140, Sections 137A through 174F as may be amended or enlarged from time to time.

**Motion**

Move that the Town adopt the General Bylaws amendment as set forth in the Article.

**Summary**

In response to a recent District Court decision in Massachusetts concerning whether the Town animal control officer is authorized to enforce the state laws relating to dog licensing and animal control, this Bylaw amendment seeks to resolve that question by confirming such authority. This amendment does not change any of the current practices of the Animal Control Officer or law enforcement.

Direct Inquiries to: Steven L. Ledoux, Town Manager: [manager@acton-ma.gov](mailto:manager@acton-ma.gov) / (978) 929-6611  
Selectman assigned: Chingsung Chang: [bos@acton-ma.gov](mailto:bos@acton-ma.gov) / (978) 929-6611

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>

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## Article 9 \* Abandon Road Easement – Faulkner Hill Road

(Two-thirds vote)

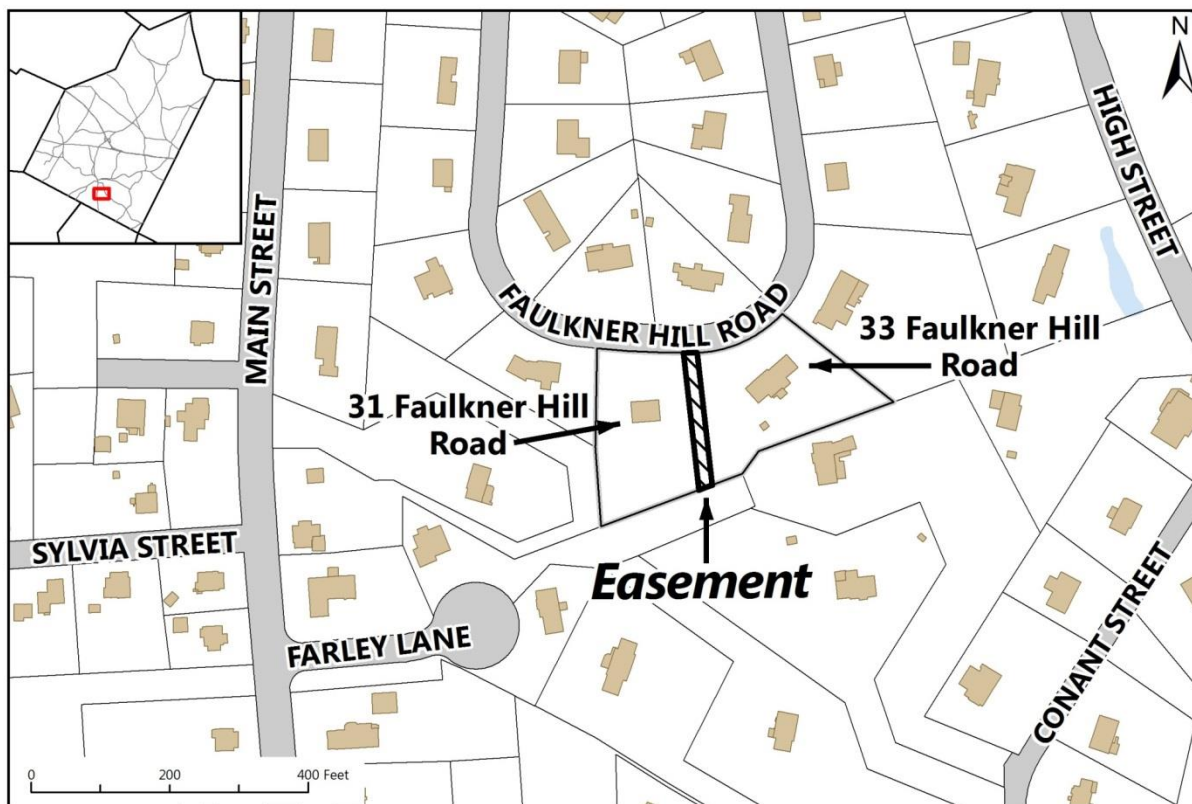
To see if the Town will vote to authorize the Board of Selectmen to abandon and terminate the Town's right, title and interest in an existing easement for a road extension situated southerly of Faulkner Hill Road between the properties numbered 31 and 33 Faulkner Hill Road on such terms and conditions as the Selectmen may determine, as shown on a plan entitled "Subdivision of Land in Acton Mass., Faulkner Hill Estates II, M&L Building Corp., 26 Park Lane, Concord Mass, Scale: 1 inch = 40 feet, dated November 1963" prepared by Olva E Hinsta Associates - Engineers, between Lots 35A and 36A, and recorded at the Middlesex South District Registry of Deeds as Plan 63 of 1964; or take any other action relative thereto.

### Motion

Move that the Town abandon the road easement as described in the Article.

### Summary

An affirmative vote on this article will terminate the Town's right, title and interest in an existing 40-foot wide easement that was originally obtained for future access between 31 and 33 Faulkner Hill Road. According to the Town's Atlas Maps, the road easement extends to the rear property line that abuts private property. There is no longer a need for potential public access across this land to the privately-owned land.



Direct inquiries to: Corey York, Director of Public Works: [cyork@acton-ma.gov](mailto:cyork@acton-ma.gov) / (978) 929-7740  
Selectman assigned: Chingsung Chang: [bos@acton-ma.gov](mailto:bos@acton-ma.gov) / (978) 929-6611

**Recommendations:**

**Board of Selectmen**  
**Recommended**

**Finance Committee**  
**Recommended**

**Article 10 \***                      **Accept Sidewalk Easement – High Street**  
(Two-thirds vote)

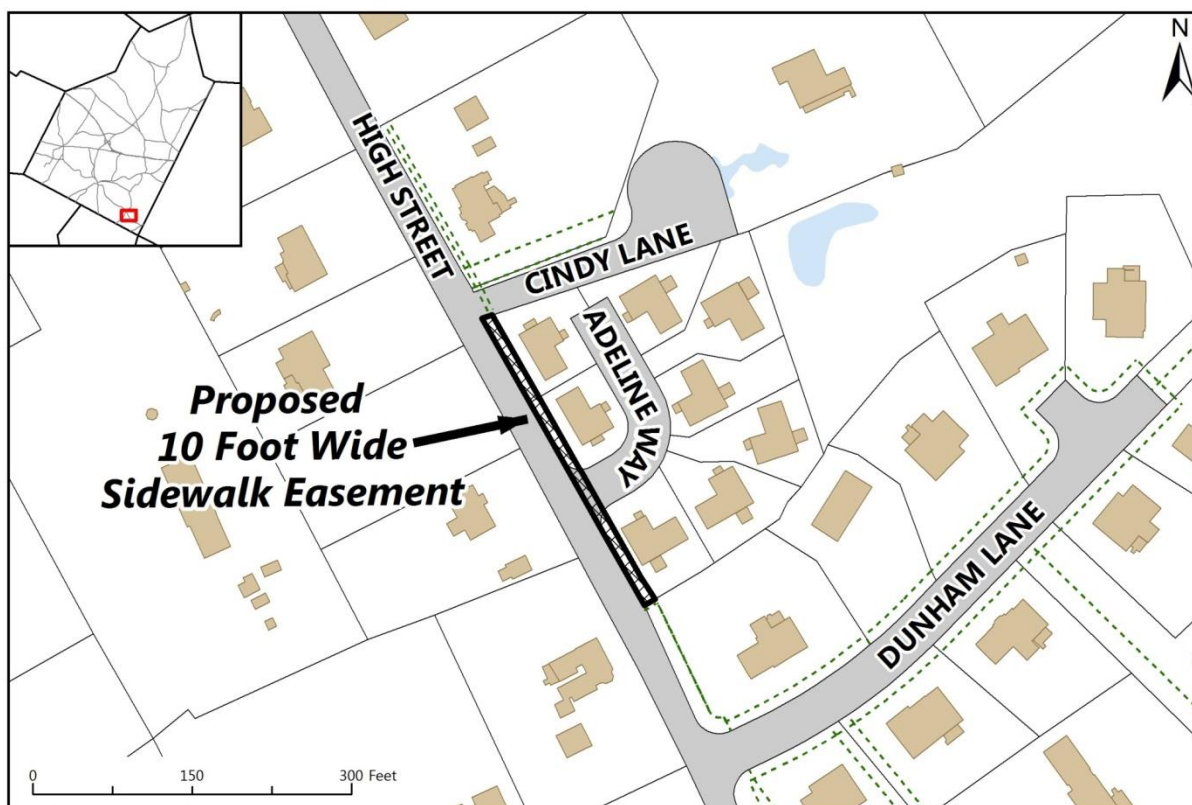
To see if the Town will vote to authorize the Board of Selectmen to acquire, on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and to accept a non-exclusive, perpetual right and easement in gross over, under and upon the land shown as “Proposed Sidewalk Easement” on a plan of land entitled “Plan of Land, Owned By: 248 High Street, LLC, Property Address: 248 High Street, Acton, MA 01720” dated June, 2016 and recorded with the Middlesex South District Registry of Deeds as Plan No. 969 of 2016, for all purposes for which sidewalks are now or hereinafter may be used in the Town, and further to see of the Town will raise, appropriate, transfer from available finds, or accept gifts for this purpose, or take any other action relative thereto.

**Motion**

Move that the Town authorize the acquisition of the easement as set forth in the Article.

**Summary**

This sidewalk easement would provide the Town sufficient width along the road for a sidewalk. This easement is needed due to the fact that there is insufficient room within the limits of the public way for the sidewalk given the location of the road pavement and the abutting properties.



Direct inquiries to: Corey York, Director of Public Works: [cyork@acton-ma.gov](mailto:cyork@acton-ma.gov) / (978) 929-7740  
Selectman assigned: Chingsung Chang: [bos@acton-ma.gov](mailto:bos@acton-ma.gov) / (978) 929-6611

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>

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**Article 11 \* Accept Access Easement – Mohegan Lane**  
(Two-thirds vote)

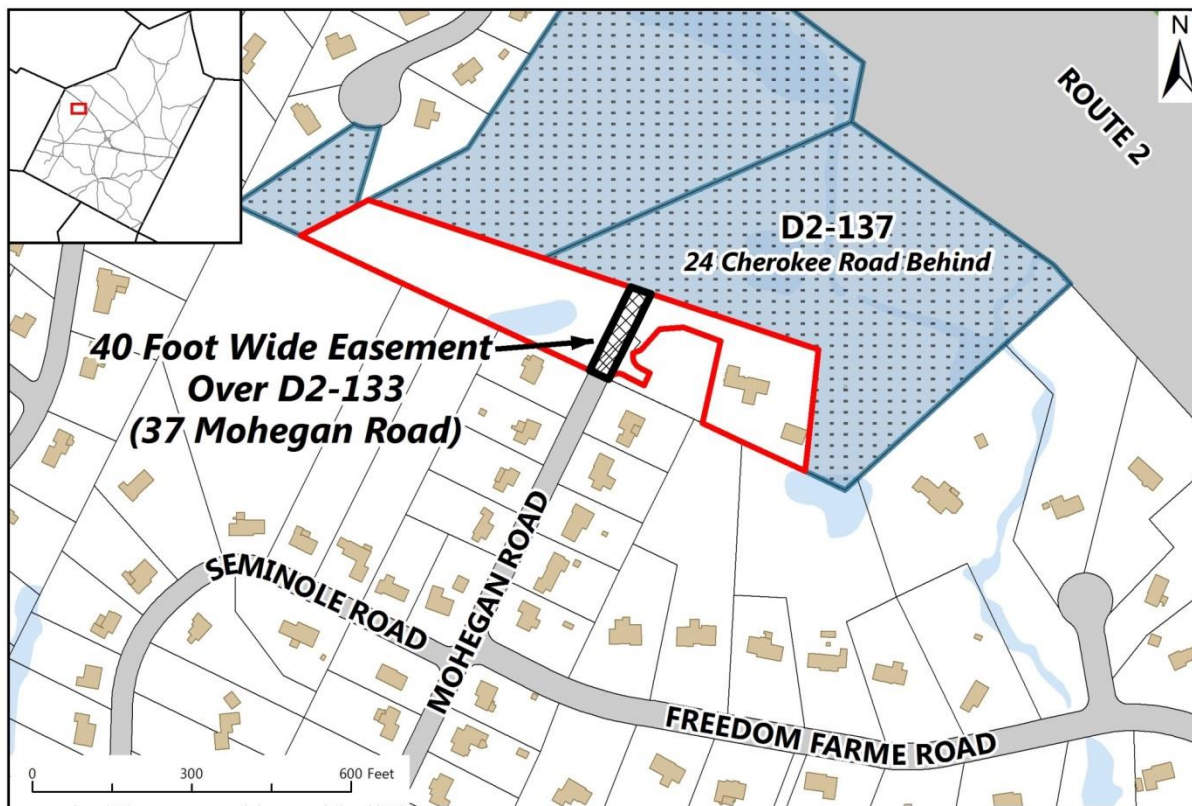
To see if the Town will vote to authorize the Board of Selectmen to acquire, on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and to accept a non-exclusive, perpetual right and easement, appurtenant to Town-owned land located at 24 Cherokee Road Behind (Town Atlas Map Parcel D2-137), to pass and repass over, across and along the area shown as “40’ Easement as Shown on Plan No. 997 of 1962” on a plan of land entitled “Definitive Plan for Mohegan Lane” dated March 25, 2016, recorded with the Middlesex South Registry of Deeds in Plan Book 2017, Page 47, for all purposes for which streets, sidewalks and ways are now or hereinafter may be used in the Town, or take any other action relative thereto.

**Motion**

Move that the Town authorize the acquisition of the easement as set forth in the Article.

**Summary**

This 40-foot wide access easement across the property located at 37 Mohegan Road (Town Atlas Map Parcel D2-133) would reaffirm and clarify the Town’s existing rights of easement, previously shown as “40’ Easement for Access and Extension of Road” on a plan entitled “Plan of Land in W. Acton – Mass.,” recorded with the Middlesex South Registry of Deeds in Plan Book 1962, Page 997.



Direct inquiries to: Corey York, Director of Public Works: cyork@acton-ma.gov / (978) 929-7740  
Selectman assigned: Chingsung Chang: bos@acton-ma.gov / (978) 929-6611

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b>	<b><u>Finance Committee</u></b>
	<b>Recommended</b>	<b>Recommended</b>

And you are directed to serve this Warrant by posting attested copies thereof fourteen days at least before the time of said meeting, in not less than six public places in Town, to be designated by the Board of Selectmen.


Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at or before the time of said meeting.

Given under our hands at Acton this twentieth day of November, 2017.

Janet K. Adachi, Chair  
Katie Green, Vice-Chair  
Joan Gardner, Clerk  
Peter J. Berry  
Chingsung Chang

**Board of Selectmen**

A true copy, Attest:

  
Constable of Acton

# *Glossary of Terms Commonly Used in Municipal Finance*

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**Abatement:** A complete or partial cancellation of a tax bill imposed by a governmental unit; applicable to tax levies and special assessments.

**Appropriation:** An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and the time when it can be expended. Any amount that is appropriated may be encumbered.

A warrant article appropriation is carried forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account.

**Assessed Valuation:** The value placed upon a particular property by the local Board of Assessors for the purpose of apportioning the town's tax levy among individual property owners equitably and in accordance with the legal requirement that property be assessed at "full and fair cash value", certified periodically by the Commonwealth's Commissioner of Revenue (no less frequently than once every three years).

**Available Funds:** Balances in the various fund types that represent non-recurring revenue sources. As a matter of sound practice, they are frequently appropriated to meet unforeseen expenses, for capital expenditures or other onetime costs. Examples of available funds include free cash, stabilization funds and overlay surplus.

**Audit:** Work done by accountants in examining financial reports, reviewing compliance with applicable laws and regulations, reviewing effectiveness in achieving program results. A basic audit examines only the financial reports and legal compliance. An outside Certified Public Accountant (CPA) audit is directed primarily toward the expression of an opinion as to the fairness of the financial statements and submission of a management letter. An auditor must be independent of the executive branch of government. A state auditor, private CPA or public accountant, or elected auditor meets this test.

**Balance Sheet:** A statement that discloses the assets, liabilities, reserves and equities of a fund or government unit at a specified date.

**Bond:** A means to raise money through the issuance of debt. A bond issuer/borrower promises in writing to repay a specified sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specified future date (maturity date), together with periodic interest at a specified rate.

**Bond Authorization:** The action of town meeting authorizing the executive branch to raise money through the sale of bonds in a specific amount and for a specific purpose. Once authorized, issuance is by the treasurer upon the signature of the selectmen.

**Bond Issue:** Generally, the sale of a certain number of bonds at one time by a governmental unit.

**Bond Rating (Municipal):** A credit rating assigned to a municipality to help investors assess the future ability, legal obligation, and willingness of the municipality (bond issuer) to make timely debt service payments. Stated otherwise, a rating helps prospective investors determine the level of risk associated with a given fixed-income investment. Rating agencies, such as Moody's and Standard and Poors, use rating systems, which designate a letter or a combination of letters and numerals where AAA is the highest rating and C1 is a very low rating.

**Budget:** A plan of financial operation embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. A budget may be preliminary (the financial plan presented to the town meeting) or final (the plan approved by that body).

**Capital Budget:** A plan of proposed capital outlays and the means of financing them for the current fiscal period. It is usually a part of the current budget.

**Capital Exclusion:** A vote to exclude from the levy limit the cost of a capital project. This exclusion only affects the levy limit for the year in which the project was undertaken.

**Cemetery Land Fund:** A fund established to which revenues are earmarked for the acquisition of land development costs on designated cemetery land purchases.

**Cherry Sheet:** An annual statement received from the Massachusetts Department of Revenue detailing estimated receipts for the next fiscal year for the various state aid accounts and estimated state and county government charges payable by the Town in setting the tax rate. The actual receipts and charges may vary from the estimates.

**Classification:** The division of the real estate tax and personal property voted by the Selectmen. The Selectmen may choose one rate for residences, another rate for business, and another rate for open space.

**Collective Bargaining:** The process of negotiating workers' wages, hours, benefits, working conditions, etc., between an employer and some or all of its employees, who are represented by a recognized labor union. regarding wages, hours and working conditions.

**Community Preservation Act (CPA):** Enacted as MGL Ch. 44B in 2000, CPA permits municipalities accepting its provisions to establish a restricted fund from which monies can be appropriated only for a) the acquisition, creation and preservation of open space; b) the acquisition, preservation, rehabilitation, and restoration of historic resources; and c) the acquisition, creation and preservation of land for recreational use; d) the creation, preservation and support of community housing; and e) the rehabilitation and restoration of open space, land for recreational use and community housing that is acquired or created using monies from the fund. The local program is funded by a local surcharge up to 3 percent on real property tax bills and matching dollars from the state generated from registry of deeds fees.

**Community Preservation Fund:** A special revenue fund established pursuant to MGL Ch. 44B to receive all monies collected to support a community preservation program, including but not limited to, tax surcharge receipts, proceeds from borrowings, funds received from the Commonwealth, and proceeds from the sale of certain real estate.

**Debt Exclusion:** A vote to exclude from the levy limit the costs of debt service for capital projects. This exclusion remains in effect for the life of the debt only.

**Debt Service:** The repayment cost, usually stated in annual terms and based on an amortization schedule, of the principal and interest on any particular bond issue.



**Encumbrance:** Obligations such as purchase orders, contracts, salary commitments which are chargeable to an appropriation and for which a part of the appropriation is reserved.

**Enterprise Fund:** A standalone fund with its own assets, liabilities, fund balance, revenues and expenses in which a municipal service is operated as a business unit. Costs of the service are primarily recovered from user charges, and may be supplemented by general revenues.

**Equalized Valuation:** The value of all property as determined by the Commissioner of Revenue biennially, to place all property in the state upon an equal footing, regardless of date of assessment.

**Excess and Deficiency (E&D):** Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts. The calculation is based on a year-end balance sheet which is submitted to the Department of Revenue by the district's auditor, accountant, or comptroller as of June 30. The regional school committee must apply certified amounts exceeding five percent of the district's prior year operating and capital costs to reduce the assessment on member cities and towns.

**Excess Levy Capacity:** The difference between the levy limit and the amount of real and personal property taxes actually levied in a given year.

**Exemptions:** A discharge, established by statute, from the obligation to pay all or a portion of a property tax. The exemption is available to particular categories of property or persons upon the timely submission and approval of an application to the assessors. Properties exempt from taxation include hospitals, schools, houses of worship, and cultural institutions. Persons who may qualify for exemptions include disabled veterans, blind individuals, surviving spouses, and seniors.

**Expenditure:** The spending of money by the town and schools for the programs or projects within the approved budget.

**FTE:** A full-time equivalent employee based on a 40-hour work week. May be one or more employees, but the total weekly hours equal 40.

**Fiscal Year ("FY"):** A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The designation of the fiscal year is that of the calendar year in which it ends; for example, FY17 or FY 2017 is the fiscal year which begins July 1, 2016 and ends June 30, 2017.

**Free Cash:** Certified as of each July 1 by the State, this is the portion of Undesignated Fund Balance available for appropriation. It is not cash *per se*, rather it is approximately the total of cash and receivables less current liabilities and earmarked reserves, reduced also by reserves for uncollected taxes.

**Fund:** An accounting entity with a self-balancing set of accounts that is segregated for the purpose of carrying on identified activities or attaining certain objectives in accordance with specific regulations, restrictions or limitations.

**General Fund:** The fund into which the general (non-earmarked) revenues of the town are deposited and from which money is appropriated to pay expenses.

**General Obligation Bonds:** Bonds issued by the Town that are backed by the full faith and credit of its taxing authority.

**Government Finance Officers Association (GFOA):** This organization provides leadership to the government finance profession through education, research and the promotion and recognition of best practices.

**Governmental Accounting Standards Board (GASB):** The ultimate authoritative accounting and financial reporting standard-setting body for state and local governments.

**Joint Labor Management Negotiation Process:** A negotiation process available to Police and Fire Unions, which utilizes Commonwealth of Massachusetts' mediators and arbitrators. If an arbitration decision is issued, it is binding upon the Executive Branch (The Board of Selectmen and Management Staff). Further, the Executive Branch must fully support such an arbitration decision before Town Meeting, even if they believe such a decision is not in the best interest of the Town.

**Level-Service Budget:** A budget that describes the funding required for maintaining current levels of service or activity, plus cost increases for contractual and mandated obligations. It brings previously-approved programs forward at existing levels of service.

**Levy Ceiling:** A levy ceiling is one of two types of levy (tax) restrictions imposed by MGL Ch. 59 §21C (Proposition 2½). It states that, in any year, the real and personal property taxes imposed may not exceed 2½ percent of the total full and fair cash value of all taxable property. Property taxes levied may exceed this limit only if the community passes a capital exclusion, a debt exclusion, or a special exclusion. (See Levy Limit)

**Levy Limit:** A levy limit is one of two types of levy (tax) restrictions imposed by MGL Ch. 59 §21C (Proposition 2½). It states that the real and personal property taxes imposed by a city or town may only grow each year by 2½ percent of the prior year's levy limit, plus new growth and any overrides or exclusions. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, debt exclusion, or special exclusion. (See Levy Ceiling)

**Local Aid:** Revenue allocated by the Commonwealth to cities, towns, and regional school districts. Estimates of local aid are transmitted to cities, towns, and districts annually by the "Cherry Sheets." Most Cherry Sheet aid programs are considered general fund revenues and may be spent for any purpose, subject to appropriation.

**M.G.L.:** Massachusetts General Laws.

**New Growth:** The additional tax revenue generated by new construction, renovations and other increases in the property tax base during a calendar year. It does not include value increases caused by normal market forces or by revaluations. New growth is calculated by multiplying the assessed value associated with new construction, renovations and other increases by the prior year tax rate. The additional tax revenue is then incorporated into the calculation of the next year's levy limit.

**Other Post-Employment Benefits (OPEB):** The set of benefits, other than pensions, that government employees earn while actively working, but do not receive until they retire. Typically included is health insurance coverage for retirees, their spouses and in some cases their beneficiaries.

**Operating Budget:** A plan of proposed expenditures for personnel, supplies, and other expenses for the coming fiscal year.



**Overlay:** (Overlay Reserve or Allowance for Abatements and Exemptions) An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve need not be funded by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet, and cannot exceed an amount deemed reasonable by the Commissioner of Revenue.

**Overlay Surplus:** Any balance in the overlay account of a given year in excess of the amount remaining to be collected or abated can be transferred into this account. Within 10 days of a written request by the chief executive officer of a city or town, the assessors must provide a certification of the excess amount of overlay available to transfer. Overlay surplus may be appropriated for any lawful purpose. At the end of each fiscal year, unused overlay surplus is “closed” to surplus revenue, i.e., it becomes a part of free cash.

**Override:** A vote to increase the amount of property tax revenue that may be raised over the levy limit.

**Personnel Services:** The cost of salaries, wages and related employment benefits.

**Purchased Services:** The cost of services that are provided by a vendor.

**Property Tax Bill:** The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed per thousand dollars of assessed valuation, for example:

House Value:	\$ 300,000	
Tax rate:	\$ 10	which means \$10 per thousand
Levy:	\$ 10	multiplied by \$300,000 and divided by \$1,000
Result:	\$ 3,000	

**Raise:** A phrase used to identify a funding source for an expenditure which refers to money generated by the tax levy or other local receipt.

**Reserve Fund:** A fund appropriated each year that may be used only by vote of the Finance Committee for “extraordinary or unforeseen expenditures.”

**Revolving Fund:** Those funds that may be used for special uses. For example, Recreation fees may be paid into a revolving fund, and expenditures can be made without appropriation with the approval of the Town Manager. Revolving funds are established by state law or town bylaw. Some revolving funds must be annually reauthorized by Town Meeting.

**Stabilization Fund:** A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL Ch. 40 §5B). Stabilization funds may be established for different purposes, and interest generated by such funds is added to and becomes part of the stabilization fund. A two-thirds vote of town meeting is required to establish, amend the purpose of, or appropriate money into or out of the stabilization fund.

**Tax Levy:** Total amount of dollars assessed in property taxes imposed by the Town each fiscal year.

**Tax Rate:** The amount of property tax stated in terms of a unit of the municipal tax base; for example, \$14.80 per \$1,000 of assessed valuation of taxable real and personal property.

**Tax Rate Recapitulation Sheet (Recap Sheet):** A document submitted by a city or town to the Department of Revenue in order to set a property tax rate. The recap sheet shows all estimated revenues and actual appropriations that affect the property tax rate.

**Tax Title (or Tax Taking):** A collection procedure that secures a city or town's lien on real property and protects the municipality's right to payment of overdue property taxes. Otherwise, the lien expires if five years elapse from the January 1 assessment date and the property has been transferred to another owner. If amounts remain outstanding on the property after issuing a demand for overdue property taxes and after publishing a notice of tax taking, the collector may take the property for the city or town. After properly recording the instrument of taking, the collector transfers responsibility for collecting the overdue amounts to the treasurer. After six months, the treasurer may initiate foreclosure proceedings.

**Tax Title Foreclosure:** The procedure initiated by a city or town treasurer in Land Court or through land of low value to obtain legal title to real property already in tax title and on which property taxes are overdue. The treasurer must wait at least six months from the date of a tax taking to initiate Land Court foreclosure proceedings (MGL Ch. 60 §65).

**Triennial Certification:** The Commissioner of Revenue, through the Bureau of Local Assessment, is required to review local assessed values every three years and to certify that they represent full and fair cash value (FFCV). Refer to MGL Ch. 40 §56 and Ch. 59 §2A(c).

**Trust Fund:** In general, a fund for money donated or transferred to a municipality with specific instructions on its use. As custodian of trust funds, the treasurer invests and expends such funds as stipulated by trust agreements, as directed by the commissioners of trust funds or by town meeting. Both principal and interest may be used if the trust is established as an expendable trust. For nonexpendable trust funds, only interest (not principal) may be expended as directed.

**Turn Back:** Unexpended funds of a prior fiscal year operating budget are returned to the Town, which ultimately revert to Free Cash.

**Underride:** A vote by a community to permanently decrease the tax levy limit. As such, it is the opposite of an override. (See Override)

**Unreserved Fund Balance or Surplus Revenue Account:** The amount by which cash, accounts receivable and other assets exceed liabilities and restricted reserves. It is akin to the stockholders equity account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as “accounts receivable” may be taxes receivable and uncollected. (See Free Cash)

**Warrant:** An authorization for an action. For example, a town meeting warrant establishes the matters that may be acted on by that town meeting. A treasury warrant authorizes the treasurer to pay specific bills. The assessors’ warrant authorizes the tax collector to collect taxes in the amount and from the persons listed, respectively.

# *Town Meeting Parliamentary Procedure*

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Town Meeting is an old and honored tradition in New England. After more than 200 years we can say it still works – it does its job – and hopefully it’s more than a little enjoyable for you, the voters. It’s also the only form of government where the leaders must face the citizenry directly to answer all reasonable queries – and perhaps even some not so reasonable! However, to work well it must have rules of order – and it does. Town Meetings operate under what is generally called “parliamentary procedure” – in our case, as spelled out in Town Meeting Time. Unfortunately, this wonderful little book is widely read only by Moderators, Town Clerks, Town Counsels and a few others with unusual tastes. In addition to such formal procedures Town Meetings also are subject to relatively arbitrary rules of order set forth by the Moderator and precedent. The following information puts forth the most widely used of these “rules of the road” as an effort to help you enjoy and participate in our Town Meetings.

## **Electronic Voting**

In October 2016, Town Meeting approved changes to our bylaws to permit the use of vote counts by electronic means. We will continue to provide electronic voting through the use of the i>clicker+ system which we are renting to see if it is worthwhile purchasing in the future. Each voter will be provided with a clicker upon checking in with the Town Clerk’s staff. Voters will also be provided with instructions and answers to frequently asked questions about electronic voting (e-voting). We will do a few “dry-run” votes on fictitious motions as a way to make everyone comfortable with the electronic voting process. I expect that we will use the electronic voting system on all votes where a two-thirds majority is required as well as in instances where I cannot discern the result of a voice vote. Voting results will be declared by the Moderator as required by law and also displayed on the screen in the auditorium. It is my hope that the use of electronic voting will speed up Town Meeting, protect the privacy of the voter, and ensure accurate vote counts in a matter of seconds. For more information on Town Meeting, please see the Town website at <http://www.acton-ma.gov/townmeeting>.

## **Moderator’s Rules**

These are quite arbitrary, but hopefully are consistently applied:

1. Any registered voter may speak to any article, but all must speak politely and respectfully to other voters and members of town boards. Civility is required at all times.
2. Since many voters may wish to speak, brevity of comment is appreciated. In addition, speakers are encouraged to add new points to the debate as opposed to repeating what others have already stated.
3. Voters may speak to an issue more than once, but generally “first time” speakers will be recognized before “repeaters”.
4. Remember to listen closely to the motion as stated. The motion puts the warrant article “in play” and it is the motion that is voted on, not the article as written in the warrant. However, there should be a strong similarity between motion and article.
5. Most motions must be “seconded”. Seconding motions is an easy way for newcomers to participate in the meeting. One does not even need to stand or be directly recognized. Generally calling out “second” at the right time will suffice.

6. Voting is most often done by voice. As the Moderator's hearing fails, "standing" counts may be taken. The last resort, due to time constraints, is to take a counted vote by teller.
7. Although not encouraged, the Moderator's judgment can be questioned as to the accuracy of the vote as announced. If seven (7) people request a "recount" of a voice or standing votes, it shall be done.
8. The Moderator will generally accept the motion to "move the previous question", or more easily understood, "to cut off debate." Many people think this motion is somewhat unfair, but it has been my experience that, more often than not, it is passed unanimously or by overwhelming numbers. In the past, the Moderator has been accused of knowing who plans to make such a motion – generally such accusations are accurate!
9. After a motion has been made and seconded, the mover of the motion speaks first, followed by the appropriate Town Boards (generally the Selectmen and the Finance Committee) who state their opinions. The motion is then available for general discussion – pro, con, or questions.
10. Other than when seconding a motion or requesting a point of order, speakers must be recognized by the Moderator before they launch into their point or question. For the most part this "rule of the road" is rigorously enforced.

### **More Formal Parliamentary Procedure**

There are many types of motions that may come before a meeting. The table below is far from all-inclusive, but indicates the most commonly used motions.

<b>Motion</b>	<b>Second Required</b>	<b>Debatable</b>	<b>Amendable</b>	<b>Vote Required</b>	<b>May Reconsider</b>	<b>May Interrupt</b>
<b>Dissolve</b>	Yes	No	No	Majority	No	No
<b>Fix the Time to Adjourn</b>	Yes	Yes	Yes	Majority	Yes	No
<b>Lay on the Table</b>	Yes	No	No	Two-thirds	Yes	No
<b>Previous Question</b>	Yes	No	No	Two-thirds	No	No
<b>Limit Debate</b>	Yes	No	No	Two-thirds	Yes	No
<b>Postpone to a Time Certain</b>	Yes	Yes	Yes	Majority	Yes	No
<b>Amend</b>	Yes	Yes	Yes <sup>1</sup>	Majority	Yes	No
<b>Postpone Indefinitely</b>	Yes	Yes	No	Majority	Yes	No
<b>Point of Order</b>	No	No	No	None	No	Yes
<b>Main Motion</b>	Yes	Yes	Yes	Varies	Yes	No
<b>Reconsider<sup>2</sup></b>	Yes	Yes	No	Two-thirds	No	No

1 In Acton, we generally do not accept amendments to amendments – too confusing.

2 Controlled by Town bylaw – 2/3 Vote same night; 3/4 Vote, plus posting ensuing nights.

Some of the motions listed above may not be totally understandable in table form only. The following elaboration may help.

The motion to **dissolve** ends the Town meeting and is appropriate only when all business is completed.

**Fix the time to adjourn** is a motion often made by the Selectmen and indicates when a given Town Meeting session will end and when the next session will begin.

**Lay on the table** is a motion used to end debate temporarily or permanently on a given motion. A motion laid on the table may remain there forever, or may be retrieved by the appropriate “take from the table” vote.

**The previous question** cuts off debate immediately and causes a vote on the article or amendment under discussion.

**Limit debate** is a motion generally used to put a specific time limit on a motion or time limits on individual speakers.

**Postpone to a time certain** is a motion generally used to rearrange the order of the articles (or a single article) in the warrant.

**Amend** – Many types of motions can be amended or altered to bring them to an even higher state of perfection. Of course, since amendments are a little like “beauty being in the eye of the beholder,” they sometimes fail to pass. In any event, after the amendment is disposed of by a vote, the primary motion, either so amended or not, comes back to the assemblage for further discussion and vote.

**Postpone Indefinitely** serves the same basic purpose as laying a motion on the table except that it is debatable and requires only a majority vote. If the postpone motion carries, the motion to which it applies is dead – in parliamentary terms, at least.

**Point of Order** – Anyone at any time may rise to a point of order and interrupt the speaker, simply stating, “Point of order, Mr. Moderator.” The Moderator will immediately stop discussion, listen to the point of order and rule on its validity. Points of order may relate to many issues, for example, the right of a speaker to the floor, proper procedures, indecorous conduct or rarely, but within the realm of possibility, some error that the Moderator is committing.

**Main Motions** are made when no other business is pending and are the devices used to bring the warrant articles to the Town Meeting floor for discussion.

**Reconsideration** may be used to bring an article (or motion) which has already been disposed of back for a second time. If reconsideration is passed, it nullifies the previous vote and the article is re-discussed and re-voted. Many people feel that reconsideration is unfair, but it is a valid procedure and is occasionally used. In Acton, a Town Bylaw controls the vote quantum rather than Town Meeting Time. Anyone who wishes to reconsider a motion, particularly on a different night from the original vote, would be well advised to consult the Town Clerk on proper procedures.

Parliamentary procedure is not really complex, but the rules, like the rules of golf, do not always make sense. However, they should be consistently applied. If they are, then the Town Meeting can conduct its business in both an orderly and a fair fashion.

I hope this small treatise is helpful to you and adds to your understanding and enjoyment of a most precious right – TOWN MEETING.

Peter K. Ashton  
Town Moderator

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